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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Austin Flake and Logan Flake,
Plaintiffs,

v.

Joseph Michael Arpaio; et al.,
Defendants.

No. CV-15-01132-PHX-NVW

SUPPLEMENTAL STATUS REPORT

In its minute entry order of December 14, 2017 (Doc. 184), the Court directed that:

- Counsel cooperate to find out the whereabouts of the many feet-long chart or outline of the case provided by the County Sheriff's Office to the County Attorney, and if in existence, provide to Mr. Montoya; that
- If the document is not found, determine what happened to it, why it was not maintained, and who was responsible for its preservation; that
- The parties investigate the status of the graphic power consumption chart prepared by Ms. Steinberg and her staff which was not presented to the Grand Jury; and that
- If found, the document should be provided to Mr. Montoya, and if not found, a determination should be made as to why it was not preserved and who was responsible.

In its minute entry order of January 3, 2018 (Doc. 203), the Court granted Plaintiffs' request that Defendants answer the following questions with respect to the documents:

- 1 • When did Defendants' counsel first learn of the possible existence of the missing
- 2 documents?
- 3 • Did Defendants' counsel withhold any documents based on any purported
- 4 privilege?

5 **With respect to the "many feet-long chart" provided by the Sheriff's Office to the**
6 **County Attorney's office:**

7 The chart has been located in the prosecution file of the Maricopa County
8 Attorney's Office, following retrieval of that file from storage. It is indeed a very large
9 chronological chart of *phone records*, including text messages, reflecting data that was
10 contained on cell phones obtained by search warrant and that is contained in the MCSO
11 Investigative Report. The phone record data was included in Defendants' proffered Exhibit
12 30 (at MCSO_001976 through MCSO_002033), whose admission was opposed by
13 Plaintiffs.

14 The chart was apparently created by Jim Young, Criminal Intelligence Analyst for
15 the Maricopa County Sheriff's Office and was printed on a plotter in a format that was 48
16 inches high and very long – perhaps 25 feet or so.

17 The chart of phone records was referred to in several emails between Mr. Young and
18 Detective Kalinowski, which were produced to the Flakes' lawyers in March of 2015
19 pursuant to public records requests. See Letter from Michael Hall, Legal Liaison,
20 Compliance Division, Maricopa County Sheriff's Office, to Dennis I. Wilenchik (March
21 26, 2015), at 3-7 (annexed as Exhibit 1 to this Report). On July 16, 2014, for example, Mr.
22 Young states (to Det. Kalinowski): "I have a large chart for you showing the calls."
23 (Exhibit 1, page 5).

24 It appears that when the large chart (and it is very large) was delivered to MCAO, a
25 second printout was not made or kept by MCSO, and so was not found in the MCSO files,
26 although the underlying data itself was in the MCSO files and was included in the
27 Investigative Report.

1 A photograph of the chart is annexed as Exhibit 2, and a photograph of a sample
 2 small portion of the detail is annexed as Exhibit 3. We note that some of the data upon
 3 which the chart was based and that was contained in the Investigative Report was proffered
 4 by Defendants at trial, but opposed by Plaintiffs and ruled inadmissible.

5 Although the Court ordered that a copy be given to Mr. Montoya, there does not
 6 appear to be any way to copy a chart of that size, and we therefore suggest that it be made
 7 available for inspection by Plaintiffs' counsel at the offices of Defendants' counsel.

8 Based on the emails contained in MCSO's response to Plaintiffs' public records
 9 requests, it appears that all counsel were aware that Mr. Young had prepared "a large chart"
 10 of phone records. Defendants' counsel did not withhold this document based upon any
 11 claim of privilege.

12 **With respect to the "graphic power consumption chart prepared by Ms. Steinberg**
 13 **and her staff":**

14 Such a chart has been located in the MCAO file. A copy of this chart, together with
 15 the underlying data on which it is based, is annexed as Exhibit 4.¹

16 It is important to point out that Plaintiffs' suggestion in their Motion Regarding
 17 Defendants' Non-Production of Documents (Doc. 202) that the failure to previously
 18 produce Ms. Steinberg's chart in some way violated the discovery process is simply
 19 incorrect. Exhibit 5 to this Report is a copy of Plaintiffs' May 17, 2016 document request,
 20 which seeks, *inter alia*, the documents "reflecting Defendants' investigation of Plaintiffs,"
 21 and "documents supporting the proposition that there was probable cause that Logan Flake
 22 and/or Austin Flake committed any crime" Exhibit 5, page 5, ¶¶ 1, 3.

23
 24
 25 ¹ This was a chart that was prepared by MCAO for use by MCAO, and thus has nothing to
 26 do with the question of what information was provided by the Sheriff's Office to the
 27 prosecutor's office, which was not a defendant in the case. Although MCAO believes that
 28 the chart is protected by the deliberative process/mental impressions privilege, MCAO
 understands that the Court has ordered production of the chart. MCAO has produced the
 chart without waiving its right to assert any applicable privilege.

Defendants took Plaintiffs' request for the records of the investigation as exactly that – records of the *investigation*, not of the *prosecution*. With respect to Request 1, Defendants' initial response, served on June 20, 2016, explicitly stated that:

The Maricopa County Sheriff's Office ("MCSO") has assembled its files reflecting its investigation of the death of the dogs at the Green Acre Dog Boarding facility. Those files are now being reviewed for statutorily non-disclosable information and for privileged information. The documents will be produced as soon as that review is completed.

Response to Plaintiffs' First Set of Requests for Production of Documents, a copy of which is annexed as Exhibit 6, at page 2, ¶1.

With respect to Request 3, the Response also explicitly stated as follows:

MCSO has assembled its files reflecting its investigation of the death of the dogs at the Green Acre Dog Boarding facility. Those files are now being reviewed for statutorily non-disclosable information and for privileged information. The documents will be produced as soon as that review is completed. *The Maricopa County Attorney's Office, not MCSO, was the prosecuting agency in the case. MCSO does not have, or have access to, the MCAO files.*

Response to Plaintiffs' First Set of Requests for Production of Documents, a copy of which is annexed as Exhibit 6, at page 3, ¶3 (emphasis added).

The initial response was followed, on July 8, 2016, by Defendants' First Supplemental Response to Plaintiffs' First Set of Requests for Production of Documents, a copy of which is annexed as Exhibit 7, and, on July 13, 2016, by Defendants' Second Supplemental Response to Plaintiffs' First Set of Requests for Production of Documents, a copy of which is annexed as Exhibit 8, each explicitly incorporating the prior responses. During the course of making these responses, Defendants produced entire MCSO Investigative file. *See, e.g.,* Exhibit 8, referring to MCSO_001270 through MCSO_003333 (the Investigative Report).

At no time during this process – or during the following year and a half – did Plaintiffs challenge Defendants' clearly articulated statement that what was being produced were the records of MCSO, and not of MCAO. Had Plaintiffs challenged this belief, then any dispute concerning the question could have been resolved, by the Court if necessary.

1 Nor, in fact, did Plaintiffs depose Ms. Steinberg, who was named as a witness because she
2 was the prosecutor handling the case.

3 With respect to the graph prepared by Ms. Steinberg, undersigned counsel can state
4 only that he had no copy of the graph pre-trial, has no notes concerning such a graph pre-
5 trial, and has no recollection of any discussion of the graph pre-trial. The question of
6 privilege was never reached.

7 **An additional electrical usage chart:**

8 Upon retrieval of the MCAO files, an additional bar chart of electrical usage was
9 found. It is large, although not nearly as large as the phone chart. A photograph of the
10 chart is annexed as Exhibit 9. Although it appears to be similar in origin to the phone data
11 chart, we cannot be certain of that until the appropriate personnel have had an opportunity
12 to review it. If it can be readily copied, a copy will be provided to Mr. Montoya.
13 Otherwise, as with the phone chart, it will be made available for inspection. Defendants'
14 counsel had no prior knowledge of that chart, and is not withholding the chart based upon
15 any claimed privilege.

16 Respectfully submitted,

17
18 DATED January 5, 2018.

SACKS TIERNEY P.A.

19
20 *s/Jeffrey S. Leonard*

21 Jeffrey S. Leonard
22 Evan F. Hiller
23 Attorneys for Defendants
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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2018, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Stephen Montoya
Richard Trujillo
MONTOYA, LUCERO & PASTOR, P.A.
The Great American Tower
3200 North Central Avenue, Suite 2550
Phoenix, AZ 85012
Attorneys for Plaintiffs

s/ Mary Chapa

SACKS TIERNEY P.A., ATTORNEYS
4250 NORTH DRINKWATER BOULEVARD
FOURTH FLOOR
SCOTTSDALE, ARIZONA 85251-3693

EXHIBIT 1



MARICOPA COUNTY SHERIFF'S OFFICE

JOSEPH M. ARPAIO
SHERIFF



March 26, 2015

Dennis I. Wilenchik, Esq.
Wilenchik & Bartness
2810 N. Third Street
Phoenix, AZ 85004

Re: Invoice for January 14, 2015, Request for Records, ref: IR14-014274

Dear Mr. Wilenchik:

I am in receipt of your January 14, 2015, request for production of Maricopa County Sheriff's Office (MCSO) public records, made pursuant to the Arizona Public Records Law, A.R.S. § 39-121, et seq. Accordingly, the MCSO Legal Liaison Section has collected the requested records.

Please remit \$15.00 for the following:

1 CD/DVD @ \$15.00 per Disc \$15.00

Acceptable methods of payment are business check, cashier's check or money order payable to the Maricopa County Sheriff's Office. Please forward the payment to, Maricopa County Sheriff's Office, Attn: Legal Liaison, 550 W. Jackson Street, Phoenix, Arizona 85003-1812. The requested records will be mailed to you upon receipt of the \$15.00 payment.

If no response is received within 30 days of this letter your request will be closed.

If you have any questions or comments, please feel free to direct them to me in writing at the address printed on the letterhead.

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael Hall".

Mr. Michael Hall
Legal Liaison
Compliance Division
Maricopa County Sheriff's Office

ITEM 3C

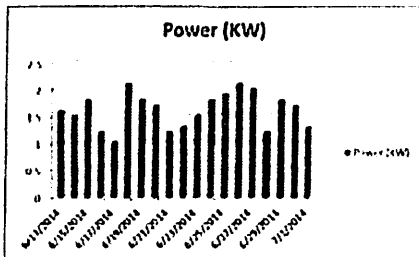
Mike Hall - SHERIFFX

From: Jim Young <jyoung@azhidta.org>
Sent: Monday, July 21, 2014 8:49 AM
To: Robert Kalinowski - SHERIFFX
Subject: FW: graphing electricity usage

Rob,

I am re-examining the phone data. Because the data did not arrive in a format I could directly import into my analysis tools, I had some help re-formatting it. Obviously I missed some data if you found calls that were not on the chart. This morning I am trying two different methods to get the data into my programs so I don't miss anything. I will make another chart for you as soon as possibly can. If I might make a suggestion, the next time you request data from the phone company, ask them to provide you the data separately for each target number and in a format you can electronically manipulate (you can specify Excel formatted information.) I know Sgt. McWilliams provided some assistance with the phone, so this is a 'next time you need it' kind of suggestion.

As far as the power usage graphing -- what elements were you looking to see that didn't show up on your chart? If you have an Excel formatted document with the data, I may be able to create something for you. I assume you want power usage on the vertical axis and time on the horizontal -- is that right? (See my example below) If you would like something more complex or that shows something else, I can assist you with that.



Please give me a call this morning so I can better assist you with everything.

Thank you and be safe,

Jim Young
 Criminal Intelligence Analyst
 Maricopa County Sheriff's Office
 Arizona HIDTA - Phoenix ISC
 (602) 876-8744
jyoung@azhidta.org
j_young@mcsso.maricopa.gov

From: Jim Young - SHERIFFX [mailto:J_Young@MCSO.maricopa.gov]
Sent: Monday, July 21, 2014 7:06 AM

To: Jim Young
Subject: FW: graphing electricity usage
From: Robert Kalinowski - SHERIFFX
Sent: Thursday, July 17, 2014 1:00 PM
To: Jim Young - SHERIFFX
Subject: RE: graphing electricity usage

Jim,

Hey, I was trying to graph some of the SRP usage with excel but couldn't exactly get the info I wanted on the chart.

Also with the chart you made for us, after looking further it does not look like calls for Logan, Todd, or Austin got charted unless they were to each other. There are no other calls listed for the 3.

Looking through the records I found several from Austin that we were looking for but they are not charted.

*Detective Rob Kalinowski 1800
Maricopa County Sheriff's Office
Animal Crimes Investigations
602-876-2409*

From: Jim Young - SHERIFFX
Sent: Wednesday, July 16, 2014 8:14 AM
To: Robert Kalinowski - SHERIFFX
Subject: RE: graphing electricity usage

Rob,

I have a large chart for you showing the calls. I noticed in the phone records that many of the victims were not called using the four primary numbers, Also, there was a lot of call activity between the family members on the 18th.

As far as graphing the electricity, SRP should be able to present you with a bar or line graph format of the data. (Bob Parrish is over there isn't he?) Otherwise you can use Excel to make a bar graph for you.

Jim Young

Maricopa County Sheriff's Office

Arizona HIDTA, Phoenix ISC-RLT

Criminal Intelligence Analyst

602-876-8744

jyoung@azhidta.org

j_young@mcso.maricopa.gov

From: Robert Kalinowski - SHERIFFX
Sent: Tuesday, July 15, 2014 12:59 PM
To: Jim Young - SHERIFFX
Subject: graphing electricity usage

Jim,

Thanks for your help so far. Sgt. Lafko has another request.

We got power usage charts from SRP with 15 minute increments. He wants to have a graph done for 4 days worth of usage. Is that something you guys would be able to do or have a program to recommend?

Thanks,

*Detective Rob Kalinowski 1800
Maricopa County Sheriff's Office
Animal Crimes Investigations
602-876-2409*

Mike Hall - SHERIFFX

From: Jim Young <jyoung@azhidta.org>
Sent: Monday, July 21, 2014 1:33 PM
To: Robert Kalinowski - SHERIFFX
Subject: RE: SRP power graph

Rob,

Sorry I missed your call. After playing around in Excel I thought it might be easier to graph each day rather than all four days in one really long graph. If you have the data in Excel format, you could e-mail it to me (jyoung@azhidta.org) and I could whip up a nice graph for you.

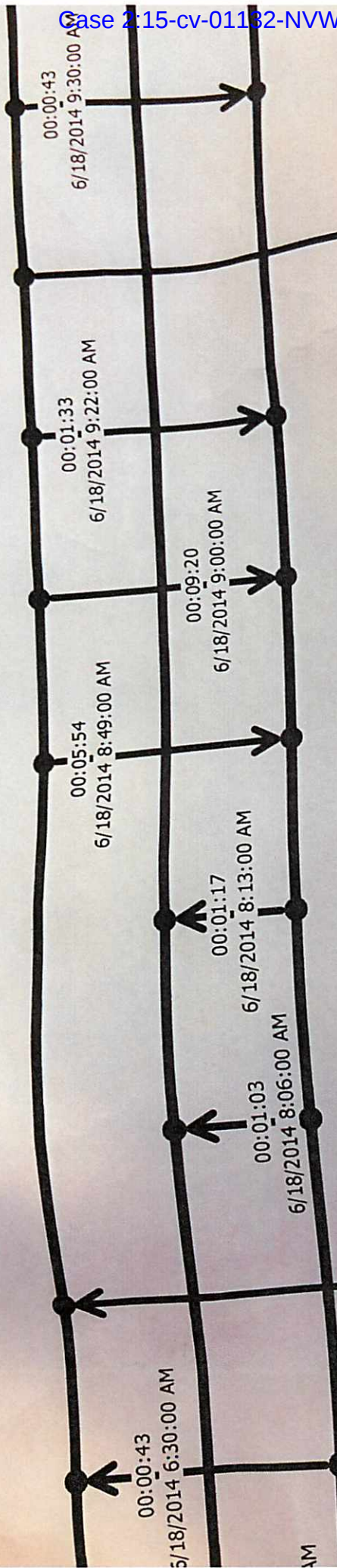
Thanks,

Jim Young
Criminal Intelligence Analyst
Maricopa County Sheriff's Office
Arizona HIDTA – Phoenix ISC
(602) 876-8744
jyoung@azhidta.org
j_young@mcsd.maricopa.gov

EXHIBIT 2



EXHIBIT 3



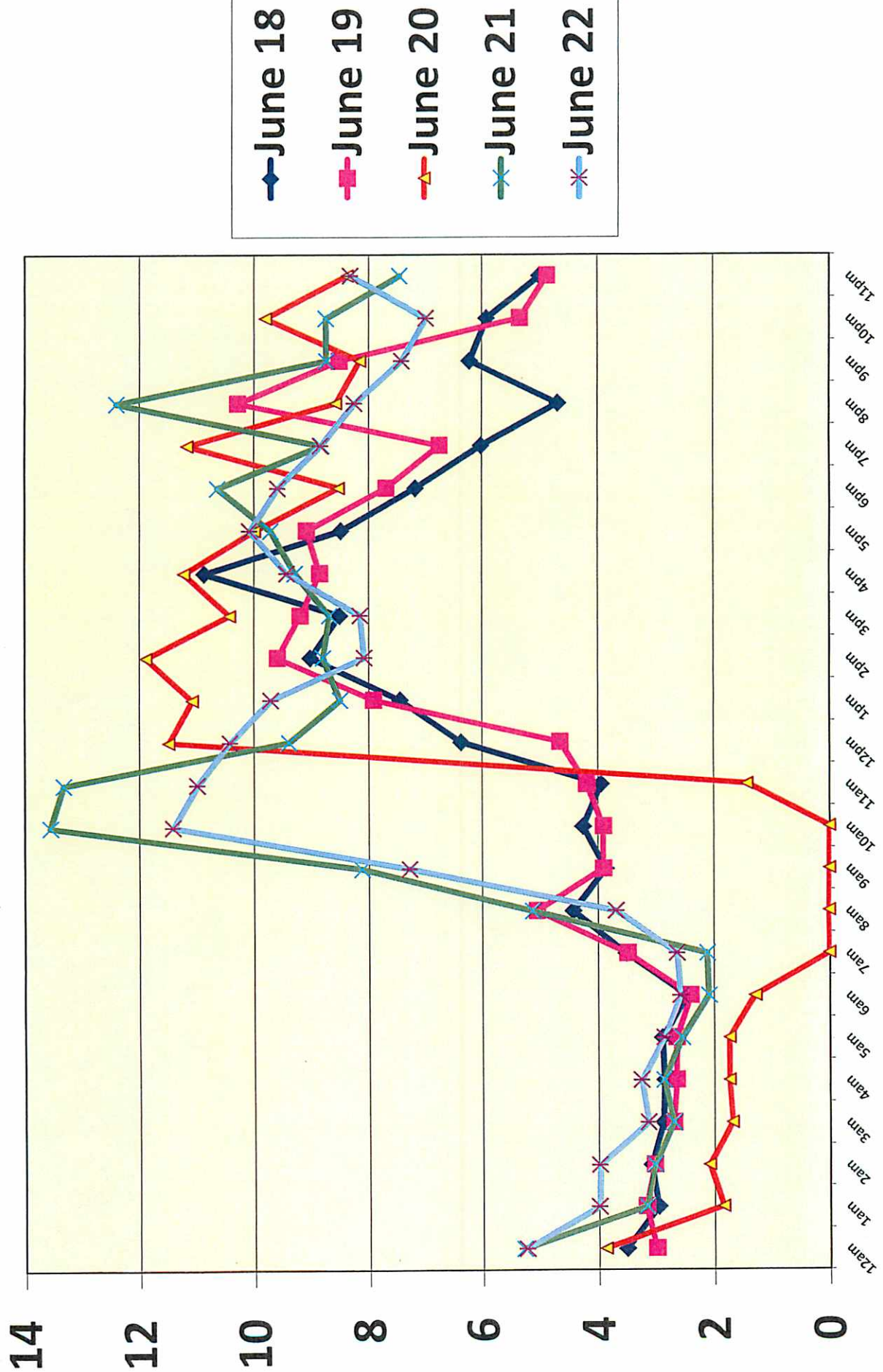
00:02:21
6/18/2014 7:15:00 AM

06/18/14 07:34:06
Logan to Maleisa
"What do you guys mop
with? I can't find a mop"

06/18/14 09:21:09
Logan to Todd
"Have you heard anything about
Sandy? Or where Patrick is?"

06/18/14 08:21:09
Todd to Logan
"You guys are doing a good
job. I'll be there in a minute."

EXHIBIT 4



SRP Power Consumption // 15723 E. Appleby Road, Gilbert, 85298

6/18/2014 0000-1100			6/19/2014 0000-1100		6/20/2014 0000-1100		6/21/2014 0000-1100		6/22/2014 0000-1100	
Time	¼ hour Energy Reading (kWh)	Hourly Energy Reading (kWh)	¼ hour Energy Reading (kWh)	Hourly Energy Reading (kWh)	¼ hour Energy Reading (kWh)	Hourly Energy Reading (kWh)	¼ hour Energy Reading (kWh)	Hourly Energy Reading (kWh)	¼ hour Energy Reading (kWh)	Hourly Energy Reading (kWh)
0000	0.85	3.52	0.67	3.0	0.48	3.87	1.1	5.29	1.32	5.24
0015	0.67		0.89		0.47		0.53		0.77	
0030	0.9		0.65		0.5		1.23		1.25	
0045	0.67		0.65		0.42		0.52		1.29	
0100	0.73	2.97	0.99	3.18	0.45	1.84	0.89	3.17	0.68	3.99
0115	0.84		0.89		0.46		0.92		1.14	
0130	0.67		0.67		0.42		0.59		1.03	
0145	0.77		0.64		0.72		0.64		1.18	
0200	0.81	3.09	0.86	3.03	0.48	2.08	0.88	3.03	0.63	3.98
0215	0.67		0.65		0.41		0.51		1.02	
0230	0.67		0.65		0.43		0.89		0.57	
0245	0.87		0.61		0.43		0.51		0.97	
0300	0.66	2.88	0.79	2.7	0.41	1.68	0.79	2.7	0.58	3.14
0315	0.63		0.57		0.43		0.75		0.86	
0330	0.86		0.63		0.42		0.84		0.9	
0345	0.63		0.64		0.43		0.8		0.54	
0400	0.74	2.86	0.81	2.65	0.45	1.73	0.48	2.87	0.96	3.26
0415	1.04		0.62		0.43		0.8		0.53	
0430	0.69		0.61		0.44		0.51		0.52	
0445	0.58		0.63		0.42		0.47		0.84	
0500	0.59	2.9	0.79	2.65	0.44	1.73	0.78	2.56	0.97	2.86
0515	0.74		0.62		0.42		0.47		0.75	
0530	0.58		0.61		0.44		0.48		0.52	
0545	0.56		0.59		0.42		0.36		0.81	
0600	0.59	2.47	0.58	2.4	0	1.28	0.78	2.09	0.5	2.58
0615	0.57		0.58		0		0.42		0.49	
0630	0.68		0.58		0		0.77		0.99	
0645	1.03		1.26		0		0.44		0.59	
0700	1.24	3.52	1.07	3.49	0	0	0.49	2.12	0.57	2.64
0715	1.66		1.72		0		0.88		0.89	
0730	0.71		1.65		0		0.98		0.91	
0745	0.81		0.79		0		0.98		0.75	
0800	1.25	4.43	0.89	5.05	0	0	2.29	5.13	1.14	3.69
0815	0.76		0.72		0		1.34		0.88	
0830	0.95		0.93		0		2.29		2.38	
0845	1.17		1.16		0		1.56		1.98	
0900	0.99	3.87	1.09	3.9	0	0	2.93	8.12	2.04	7.28
0915	1.24		1.01		0		3.1		2.17	
0930	1.06		1.01		0		3.36		3.27	
0945	0.99		0.81		0		3		3.22	
1000	0.97	4.26	1.07	3.9	0	0	4.09	13.55	2.75	11.41
1015	0.94		1.23		0		3.36		2	
1030	1.17		0.95		0		3.29		2.32	
1045	1.06		1.14		0		3.44		3.42	
1100	0.78	3.95	0.87	4.19	1.42	1.42	3.23	13.32	3.25	10.99

Data from SRP report

EXHIBIT 5

1 Stephen Montoya (#011791)
2 **Montoya, Jimenez, Lucero & Pastor, P.A.**
3 3200 North Central Avenue, Suite 2550
4 Phoenix, Arizona 85012
5 602-256-6718 (telephone)
6 602-256-6667 (fax)
7 stephen@montoyalawgroup.com

8 Attorney for Plaintiffs

9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF ARIZONA**

11 Austin Flake and Logan Flake,
12 Plaintiffs,
13 v.
14 Joseph Michael Arpaio, et al.,
15 Defendants.

No. CV 15-01132-PHX-NVW

**PLAINTIFF'S FIRST SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANTS**

16 Pursuant to Federal Rules of Civil Procedure 26(b)(1) and 34, Plaintiffs hereby
17 requests that Defendants respond in writing, under oath to the following Requests for
18 Production of Documents within thirty (30) days of service of this request by producing or
19 permitting inspection and copying of the documents described below at Montoya,
20 Jimenez, Lucero & Pastor, P.A., 3200 North Central Avenue, Suite 2550, Phoenix,
21 Arizona, 85012.

22 In lieu of producing the documents for inspection, Defendants may forward legible
23 copies of them to counsel for Plaintiffs at the address indicated above on or before the
24 date of production.
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DEFINITIONS AND INSTRUCTIONS

The following definitions and instructions are incorporated by reference whenever applicable in this document:

- (A.) The terms "you," "your," and/or "Defendants," mean Defendants Joseph Michael Arpaio, Ava J. Arpaio, Maricopa County, Marie Trombi, and John Doe Trombi, and its servants, agents, employees, representatives, divisions, attorneys, private investigators, independent contractors, and/or anyone or anything else on its behalf.
- (B.) The terms "person" or "persons" as used herein include any natural person, partnership, firm, corporation, trust, association, joint venture, public entity, business organization, or other legal entity.
- (C.) The term "Plaintiffs" as used herein means the Plaintiffs in the above captioned proceeding, namely, Austin Flake and Logan Flake.
- (D.) The term "document" or "documents" as used herein mean the original, or copy of any kind, of any written, typewritten, printed, recorded material, or electronically stored information, or recorded material whatsoever, including (but not limited to) notes, emails, memoranda, letters, diaries, calendars, emails, telephonic text message, articles, telegrams, or other correspondence, worksheets, recordings, studies, analyses, opinions, books, reports, transcriptions of recordings, information retrievable from computers, pictures, drawings, photographs or other graphic representations, and any other physical means of communication, including tape recordings, magnetic tape, and any and all electronically store information. The term "documents" also specifically includes any metadata, drafts, whether or not used, of the foregoing, and any altered or annotated copies of the foregoing. The term "Complaint" as used herein means the Complaint on file in this action.
- (E.) The term "personnel file" as used herein includes any and all records maintained either in the normal course of business or for any special purpose

1 with respect to the application, course of employment, and termination of
2 any employee of Defendants, and specifically includes applications,
3 disciplinary notices, performance evaluations, employment histories or
4 summaries, records of residential addresses and telephone numbers,
5 termination notices, job assignment or classification records, compensation
6 and other similar records. For purposes of this request, the term "personnel
7 record" need not include records of medical benefits, conditions, or claims;
8 designations of, or changes in, beneficiary; garnishments; income tax
9 records; or insurance benefits, except as pertaining to Plaintiffs' records.

10 (F.) The terms "employment discrimination" as used herein includes all
11 allegations (whether substantiated or unsubstantiated) of disparate treatment
12 or disparate impact by any present or former employee or agent of
13 Defendants, based on gender, age, race, color, national origin, ethnicity,
14 religion, or disability, including (but not limited to) allegations of
15 discriminatory hiring, retention, discharge, promotion and compensation
16 practices, discriminatory conditions of employment, including (but not
17 limited to) racial harassment, sexual harassment, hostile working
18 environment, retaliation, the use of racial slurs, derogatory ethnic, racial or
19 gender related remarks, jokes, or comments, and all other actual or
20 potentially discriminatory employment practices of any kind.

21 (G.) If any document is withheld under a claim of privilege or other protection,
22 please provide all of the following information regarding the document, so as
23 to aid the Court and the parties hereto in determining the validity of the claim
24 of privilege or other protection:

25 (a.) The identity of the person(s) who prepared the document and
26 who signed the document, and over whose name it was sent or
27 issued;

28 (b.) The identity of the person(s) to whom the document was

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directed;


- (c.) The nature and substance of the document, with sufficient particularity to enable the Court and the parties thereto to identify the document;
- (d.) The identity of the person(s) who has (have) custody of, or control over, the document and each copy thereof;
- (e.) The identity of each person to whom a copy of the document was furnished;
- (f.) The number of pages of the document;
- (g.) The basis on which any privilege or other protection is claimed;
- (h.) Whether any non-privileged or non-protected matter is included in the document.

REQUEST FOR PRODUCTION

1. Please produce every document reflecting Defendants' investigation of Plaintiffs for any alleged crime arising from the death of approximately 22 dogs at the Green Acres kennel on June 20, 2014.
2. Please produce every document reflecting any communications between any agent or employee of the Maricopa County Sheriff's Office and any agent or employee of the Maricopa County's Office concerning Austin Flake, Logan Flake, United States Senator Jeff Flake, and Jesse and MaLeisa Hughes for the past seven years.
3. Please produce any documents supporting the proposition that there was probable cause that Logan Flake and/or Austin Flake committed any crime in reference to the death of 22 dogs on June 20, 2014 at the Green Acres kennel.
4. Please produce any document in your possession or control regarding Logan Flake, Austin Flake, Senator Jeff Flake, and/or Jesse and MaLeisa Hughes.

Respectfully submitted this 17th day of May 2016.

MONTOYA, JIMENEZ, LUCERO & PASTOR, P.A.


Stephen Montoya
3200 North Central Avenue, Suite 2550
Phoenix, Arizona 85012
Attorney for Plaintiffs

1 I hereby certify that on May 17, 2016, the foregoing document was sent via email to:

2 Jeffrey S. Leonard
3 Sacks Tierney, P.A.
4 4250 North Drinkwater Blvd., 4th Floor
5 Scottsdale, Arizona 85251
6 Attorneys for Defendants

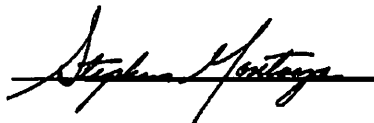
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EXHIBIT 6

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 5 Scottsdale, AZ 85251-3693
 6 Telephone: 480.425.2600
 7 Attorneys for Defendants

8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE DISTRICT OF ARIZONA**

10 Austin and Logan Flake, husband and wife,
 11 Plaintiffs,

12 v.

13 Joseph Michael Arpaio; et al.,
 14 Defendants.

No. CV-15-01132-PHX-NVW

**RESPONSE TO PLAINTIFFS' FIRST
 SET OF REQUESTS FOR
 PRODUCTION OF DOCUMENTS**

15 **NOTE:** Defendants' responses are based on information currently known.
 16 Defendants reserve the right to supplement, amend, or clarify their responses and
 17 objections as appropriate.

18 **GENERAL OBJECTIONS:**

19 1. Defendants object to the Definitions and Instructions stated by plaintiffs to
 20 the extent that such Definitions and Instructions purport to impose duties or obligations in
 21 excess of those required under the Federal Rule of Civil Procedure or the Rules of Practice
 22 of the United States District Court for the District of Arizona. These include, without
 23 limitation, the following:

24 A. The request for a response under oath.

25 B. The definition of the words "you," "your," and/or "Defendants" to mean
 26 and include all representatives, attorneys, private investigators, and "anyone or anything
 27 else on its behalf," as such definition invades both the attorney-client privilege and the trial
 28 preparation materials and work product exemptions from discovery.

C. The instruction regarding privileged or otherwise protected documents, to
 the extent that such instruction exceeds the requirements of the Federal Rules of Civil

1 Procedure or the Rules of Practice of the United States District Court for the District of
2 Arizona.

3 2. Defendants object to the request for production to the extent it seeks
4 disclosure of documents that are privileged or otherwise protected by the trial preparation
5 materials or work product exemption from discovery.

6 3. Defendants object to the request for production as unduly burdensome, overly
7 broad, and not relevant to any party's claim or defense given that the request is not
8 reasonably limited in time.

9 Notwithstanding, without waiving, and subject to the foregoing objections,
10 defendants respond to plaintiffs' request for production of documents as follows:

11 1. Please produce every document reflecting Defendants' investigation of
12 Plaintiffs for any alleged crime arising from the death of approximately 22 dogs at the
13 Green Acres kennel on June 20, 2014.

14 Response: The Maricopa County Sheriff's Office ("MCSO") has assembled its files
15 reflecting its investigation of the death of the dogs at the Green Acre Dog Boarding facility.
16 Those files are now being reviewed for statutorily non-disclosable information and for
17 privileged information. The documents will be produced as soon as that review is
18 completed.

19 2. Please produce every document reflecting any communications between any
20 agent or employee of the Maricopa County Sheriff's Office and any agent or employee
21 of the Maricopa County's Office concerning Austin Flake, Logan Flake, United States
22 Senator Jeff Flake, and Jesse and MaLeisa Hughes for the past seven years.

23 Response: This request makes no sense, as it refers to communications between
24 MCSO and the "Maricopa County's Office," which is non-existent.

25 3. Please produce any documents supporting the proposition that there was
26 probable cause that Logan Flake and/or Austin Flake committed any crime in
27 reference to the death of 22 dogs on June 20, 2014 at the Green Acres kennel.

28 Response: MSCO has assembled its files reflecting its investigation of the death of

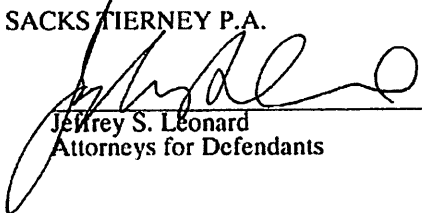
1 the dogs at the Green Acre Dog Boarding facility. Those files are now being reviewed for
 2 statutorily non-disclosable information and for privileged information. The documents will
 3 be produced as soon as that review is completed. The Maricopa County Attorney's Office,
 4 not MCSO, was the prosecuting agency in the case. MCSO does not have, or have access
 5 to, the MCAO files.

6 **4. Please produce any document in your possession or control regarding Logan**
 7 **Flake, Austin Flake, Senator Jeff Flake, and/or Jesse and MaLeisa Hughes.**

8 Response: The Maricopa County Sheriff's Office ("MCSO") has assembled its files
 9 reflecting its investigation of the death of the dogs at the Green Acre Dog Boarding facility.
 10 Those files are now being reviewed for statutorily non-disclosable information and for
 11 privileged information. The documents will be produced as soon as that review is
 12 completed. To the extent that this request seeks information that is unrelated to the MCSO
 13 investigation of the dogs' deaths, defendants object to the request on the ground that it
 14 seeks materials that are not relevant to any party's claim or defense.

15 Dated June 20, 2016.

16 SACKS TIERNEY P.A.

17 
 18 Jeffrey S. Leonard
 Attorneys for Defendants

19 ORIGINAL and one copy mailed this
 20 20th day of June, 2016, to:

21 Stephen Montoya
 22 Montoya, Jimenez, Lucero & Pastor, P.A.
 23 The Great American Tower
 3200 North Central Avenue, Suite 2550
 Phoenix, AZ 85012

24 COPY mailed this 20th day of June, 2016, to:

25 Richard Trujillo
 26 Rader, Sheldon & Stoutner, PLLC
 11260 North Tatum Blvd., Ste. 143D
 Phoenix, AZ 85028
 Attorneys for Plaintiffs

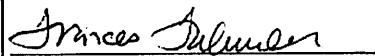
27 
 28

EXHIBIT 7

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5
 6 **IN THE UNITED STATES DISTRICT COURT**
 7 **FOR THE DISTRICT OF ARIZONA**

8 Austin and Logan Flake, husband and wife,
 Plaintiffs,
 9
 v.
 10 Joseph Michael Arpaio; et al.,
 11 Defendants.

No. CV-15-01132-PHX-NVW

**FIRST SUPPLEMENTAL RESPONSE
 TO PLAINTIFFS' FIRST SET OF
 REQUESTS FOR PRODUCTION OF
 DOCUMENTS**

12 **NOTE:** Defendants' First Supplemental Response is based on information currently
 13 known. Defendants reserve the right to supplement, amend, or clarify their responses and
 14 objections as appropriate.

15 Defendants adopt and incorporate herein by reference their prior responses, and their
 16 general and specific objections, to Plaintiffs' First Set of Requests for Production of
 17 Documents, as set out in defendants' initial Response to Plaintiffs' First Set of Requests for
 18 Production of Documents, as well as defendants' Rule 26(a)(1) Initial Disclosures .

19 Notwithstanding, without waiving, and subject to those objections, defendants
 20 supplement their prior responses as follows:

21 **1. Please produce every document reflecting Defendants' investigation of**
 22 **Plaintiffs for any alleged crime arising from the death of approximately 22 dogs at the**
 23 **Green Acres kennel on June 20, 2014.**

24 **Response:** Subject to defendants' prior responses and objections, see Bates numbers
 25 MCSO_000001 through MC_00507, initially disclosed, and MCSO_000508 through
 26 MSCO_001247, produced herewith. The Incident Report, which is already in plaintiffs'
 27 possession, will follow once required redactions are complete.

28 **3. Please produce any documents supporting the proposition that there was**

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FOURTH FLOOR
SCOTTSDALE, ARIZONA 85251-3993

1 probable cause that Logan Flake and/or Austin Flake committed any crime in
2 reference to the death of 22 dogs on June 20, 2014 at the Green Acres kennel.

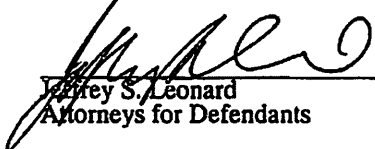
3 Response: Subject to defendants' prior responses and objections, see Bates numbers
4 MCSO_000001 through MC_00507, initially disclosed, and MCSO_000508 through
5 MSCO_001247, produced herewith. The Incident Report, which is already in plaintiffs'
6 possession, will follow once required redactions are complete.

7 4. Please produce any document in your possession or control regarding Logan
8 Flake, Austin Flake, Senator Jeff Flake, and/or Jesse and MaLeisa Hughes.

9 Response: Subject to defendants' prior responses and objections, see Bates numbers
10 MCSO_000001 through MC_00507, initially disclosed, and MCSO_000508 through
11 MSCO_001247, produced herewith. The Incident Report, which is already in plaintiffs'
12 possession, will follow once required redactions are complete. In addition, there is a small
13 number of potentially responsive additional documents which are being reviewed for
14 responsiveness.

15 Dated: July 8, 2016.

SACKS TIERNEY P.A.


Jeffrey S. Leonard
Attorneys for Defendants

19 ORIGINAL of the foregoing being mailed and
20 copy with ShareFile link emailed July, 8, 2016, to:

21 Stephen Montoya
22 Montoya, Jiménez, Lucero & Pastor, P.A.
23 The Great American Tower
3200 North Central Avenue, Suite 2550
Phoenix, AZ 85012

24 COPY mailed and emailed July 8, 2016, to:

25 Richard Trujillo
26 Rader, Sheldon & Stoutner, PLLC
11260 North Tatum Blvd., Ste. 143D
Phoenix, AZ 85028
27 Attorneys for Plaintiffs

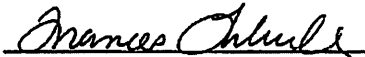
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EXHIBIT 8

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 4 Attorneys for Defendants

5
 6 **IN THE UNITED STATES DISTRICT COURT**
 7 **FOR THE DISTRICT OF ARIZONA**

8 Austin and Logan Flake, husband and wife,
 9 Plaintiffs,
 v.
 10 Joseph Michael Arpaio; et al.,
 11 Defendants.

No. CV-15-01132-PHX-NVW

**SECOND SUPPLEMENTAL
 RESPONSE TO PLAINTIFFS' FIRST
 SET OF REQUESTS FOR
 PRODUCTION OF DOCUMENTS**

12 **NOTE:** Defendants' First Supplemental Response is based on information currently
 13 known. Defendants reserve the right to supplement, amend, or clarify their responses and
 14 objections as appropriate.

15 Defendants adopt and incorporate herein by reference their prior responses, and their
 16 general and specific objections, to Plaintiffs' First Set of Requests for Production of
 17 Documents, as set out in defendants' initial Response to Plaintiffs' First Set of Requests for
 18 Production of Documents, defendants' Rule 26(a)(1) Initial Disclosures, and defendants'
 19 First Supplemental Response to Plaintiffs' First Set of Requests for Production of
 20 Documents.

21 Notwithstanding, without waiving, and subject to those objections, defendants
 22 supplement their prior responses as follows:

23 **1. Please produce every document reflecting Defendants' investigation of**
 24 **Plaintiffs for any alleged crime arising from the death of approximately 22 dogs at the**
 25 **Green Acres kennel on June 20, 2014.**

26 Response: Subject to defendants' prior responses and objections, see Bates numbers
 27 MCSO_000001 through MC_00507, MCSO_000508 through MSCO_001247, and
 28 MCSO_001270 through MCSO_003333, produced herewith.

1 **3. Please produce any documents supporting the proposition that there was**
 2 **probable cause that Logan Flake and/or Austin Flake committed any crime in**
 3 **reference to the death of 22 dogs on June 20, 2014 at the Green Acres kennel.**

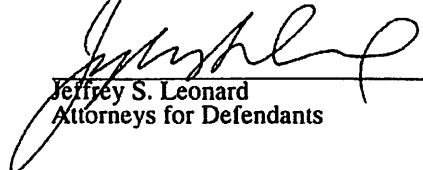
4 Response: Subject to defendants' prior responses and objections, see Bates numbers
 5 MCSO_000001 through MC_00507, MCSO_000508 through MSCO_001247, and
 6 MCSO_001270 through MCSO_003333, produced herewith.

7 **4. Please produce any document in your possession or control regarding Logan**
 8 **Flake, Austin Flake, Senator Jeff Flake, and/or Jesse and MaLeisa Hughes.**

9 Response: Subject to defendants' prior responses and objections, see Bates numbers
 10 MCSO_000001 through MC_00507, MCSO_000508 through MSCO_001247, and
 11 MCSO_001248 through MCSO_003333, produced herewith.

12 Dated: July 13, 2016.

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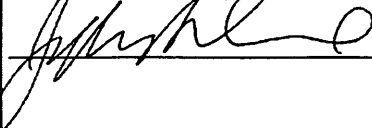

 Jeffrey S. Leonard
 Attorneys for Defendants

16 COPIES of the foregoing emailed July, 13, 2016, to:

17 Stephen Montoya
 18 Montoya, Jimenez, Lucero & Pastor, P.A.
 19 The Great American Tower
 3200 North Central Avenue, Suite 2550
 Phoenix, AZ 85012

20 and

21 Richard Trujillo
 22 Rader, Sheldon & Stoutner, PLLC
 11260 North Tatum Blvd., Ste. 143D
 23 Phoenix, AZ 85028
 Attorneys for Plaintiffs



Fulwiler, Frances M

From: Leonard, Jeffrey <Jeffrey.Leonard@SacksTierney.com>
Sent: Wednesday, July 13, 2016 10:06 PM
To: 'Steve Montoya'
Cc: 'Richard Trujillo (rjtazlaw@gmail.com)'
Subject: Flake [ST-EMM.FID592016]
Attachments: 2nd Supp Resp to RFP.PDF

Additional ShareFile link:

<https://sackstierney.sharefile.com/d-s35a6965d1b242058>

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EXHIBIT 9

